

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SANDEEP NAYAK,
Plaintiff

v.

VOITH TURBO, INC.,
Defendant

:
:
:
:
:
:
:

No. 1:14-cv-01053

(Judge Kane)

(Magistrate Judge Schwab)

ORDER

AND NOW, on this 8th day of April 2015, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 48) is **ADOPTED**;
2. Plaintiff's objections (Doc. No. 49) are **OVERRULED**;
3. Defendant's motion to dismiss (Doc. No. 14) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Plaintiff's claims arising under Title VII, and his state law claims for breach of contract, fraud, wrongful termination and civil conspiracy, are **DISMISSED WITH PREJUDICE**;
 - b. Plaintiff's state law claim for intentional infliction of emotional distress is **NOT DISMISSED**;
4. Plaintiff's first motion to invalidate the release agreement (Doc. No. 7) is **DENIED**;
5. Plaintiff's motion to amend in order to file his proposed amended complaint of August 8, 2014 (Doc. No. 28) is **DENIED**;
6. Plaintiff's motion "to temporarily set aside or disregard Judge Caldwell's opinion in Nayak v. GCA Law Firm, et al.," (Doc. No. 36) is **DENIED**;
7. Plaintiff's motion for oral argument (Doc. No. 50) is **DENIED**;
8. Plaintiff's motion for the recusal of Magistrate Judge Schwab (Doc. No. 51) is **DENIED**;
9. Plaintiff's motion to appoint counsel (Doc. No. 60) is **DENIED**;

10. Plaintiff may file an amended complaint in accordance with the foregoing memorandum within 21 days of the date of this order; and,
11. The case is referred back to Magistrate Judge Schwab for pre-trial management, including resolution of any pending motions and, if necessary, a Report and Recommendation on same.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania